Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/602,261	HANSMANN ET AL.
	Examiner	**Art Unit**
	Kenneth A Gross	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *April 30th, 2003* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .

DETAILED ACTION

1.   This action is in response to the amendment filed on April 30th, 2003.

Specification

2.   The abstract of the disclosure is objected to because of the following reasons: the

following phrase "the user-defining configuring and starting of an application" should be

modified with commas in the appropriate places. The phrase "stored in his chip card" should be

modified by replacing "his" with –this--. Correction is required. See MPEP § 608.01(b).

Claim Objections

3.   The amendment filed April 30th, 2003, which provides a manner of marking amendments

non-compliance per 37 CFR 1.121 and MPEP 714(III)(3), as the status after each claim number

must be indicated in a parenthetical expression, e.g. (original), (currently amended)…etc.

Correction is required. For prosecution on the merits, the limitations have been considered.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fowlow (U.S. Patent

Number 6,260,078).

For a specific rejection of Claim 1, see the office action mailed on December 30th, 2002

(Note: the claim has been amended to correct certain 112 2nd paragraph and claim objections, and

the amendments do not change the scope of the claim.)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S.

Patent Number 6,260,078) in view of Powers (U.S. Patent Number 5,521,362).

For specific rejections of Claims 2-7 and 9 see the office action mailed on December 30th,

2002 (Note: Claims 5 and 7 have been amended to correct certain 112 2nd paragraph and claim

objections, and the amendments do not change the scope of the claims.)

In regard to Claim 8, Fowlow teaches using a URL address for identifying software on a

server (Column 2, lines 37-53), which is a Globally Unique Identifier. Fowlow does not teach

storing the attribute in a file. However, a file is a well-known method of storing information in a

memory system on a computer, and thus would be an obvious choice for storing the software

attribute in a coherent fashion. It would be obvious that the file is stored in volatile memory,

since this memory is well known in the art for temporarily storing data in a computer.

8.   Claims 10-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Wallace et al. (U.S. Patent Number 6,262,791).

For specific rejections of Claims 10-13 and 15 see the office action mailed on December 30th, 2002 (Note: Claim 11 has been amended to correct certain 112 2nd paragraph and claim objections, and the amendments do not change the scope of the claim.)

9.   Claim 14 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Powers (U.S. Patent Number 5,521,362) and further in view of Wallace et al. (U.S. Patent Number 6,262,791) and Perlman et al. (U.S. Patent Number 6,023,585).

In regard to Claim 14, Fowlow and Powers teach the apparatus of Claim 2, and Fowlow further teaches that the identifying attribute is an address (U.S. Patent Number 6,260,078). Neither Fowlow nor Powers teach determining the card technology or providing a driver associated with the card. Perlman, however, does teach discovering the peripheral technology (Figure 6, item 604) and providing the drivers (Figure 6, item 606). Perlman does not teach reading the address information from the token, determining whether the software is present, or downloading said software from the data-processing device. Fowlow however, does teach reading information from the token (Column 13, lines 20-21) where the information can be an address (Column 2, lines 37-53), determining whether the software is present (Figure 5, items 506 and 508), and downloading the software (Figure 5, items 504, 512, and 514).

10.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S.

Patent Number 6,260,078) in view of Powers (U.S. Patent Number 5,521,362) and further in

view of DiGiorgio (U.S. Patent Number 6,385,729).

For specific rejections of Claim 16 see the office action mailed on December 30th, 2002

11.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiGiorgio et al.

(U.S. Patent Number 6,385,729) in view of Fowlow (U.S. Patent Number 6,260,078).

In regard to Claim 17, DiGiorgio teaches: (a) establishing a connection...data-processing

device (Column 2, lines 9-13); (b) reading the identifying...given application (Column 2, lines

24-34). DiGiorgio does not teach determining whether software is available at the user data-

processing device by means of the identifying data and loading the software when not available

at the user data-processing device. Fowlow, however, does teach determining whether the

software is available at a server using the identifying data (Figure 5, items 502, 506, and 508);

and (d) loading the software when found on the server (Figure 5, items 504, 512, and 514).

Claim 31 corresponds with Claim 17 and is rejected for the same reasons as Claim 17.

In regard to Claim 18, DiGiorgio teaches that that token is a chip card (Figures 2A and

2B).

In regard to Claim 19, DiGiorgio teaches a card reader that acts as a communications

between the chip card and data processing device (Figure 1, item 12).

In regard to Claim 20, DiGiorgio teaches that the services provided by the agent reside on

the data-processing device (Column 2, lines 19-23).

In regard to Claim 21, DiGiorgio teaches that the token contains storage (Column 6, lines 22-24). It would be obvious to store the identifying data in memory, since this is a well-known way to store information in a computer.

In regard to Claim 22, a chip card is designed to hold personal information, and the personal information stored on the card is the identifying data stored on the card, and hence is stored on the card when the card is personalized.

In regard to Claim 23, it is obvious to store the identifying data when a user logs on because only when an application is started can it generate and store the data provided by user interaction.

In regard to Claim 27, Fowlow teaches identifying a software application on the data processing device and loading the software from a file if the software application is found (Column 3, lines 58-63). Although not explicitly specified, it would be obvious that the identifying data (the name of the Class being retrieved) is compared to the list of Classes available in the data-processing device's local file set, and hence is identified in this way.

In regard to Claim 28, Fowlow teaches searching a local file set for an application, and if not found, connecting to a second data-processing device in order to find the application. Fowlow teaches: (a) establishing a connection…when the identifying data do not match based on said comparing (Figure 5, item 512); (b) transferring the application…to the user data-processing system (Figure 5, item 514); (c) adding the identifying data…on the user data-processing device. This is an obvious step, since the Class file name will appear as part of the local file set after it is downloaded, hence the identifying data will be added.

In regard to Claim 29, Fowlow teaches using a URL address for identifying software on a server (Column 2, lines 37-53), which is a Globally Unique Identifier.

In regard to Claim 30, Fowlow teaches using a URL address for identifying software on a server (Column 2, lines 37-53).

12.   Claim 24 rejected under 35 U.S.C. 103(a) as being unpatentable over DiGiorgio et al. (U.S. Patent Number 6,385,729) in view of Fowlow (U.S. Patent Number 6,260,078) and further in view of Perlman et al. (U.S. Patent Number 6,023,585).

In regard to Claim 24, DiGiorgio and Fowlow teach the method of Claim 19, but do not teach determining the card technology or providing a driver associated with the card. Perlman, however, does teach discovering the peripheral technology (Figure 6, item 604) and providing the drivers (Figure 6, item 606). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 19, as taught by DiGiorgio and Fowlow, where the peripheral technology is discovered and providing the drivers for the technology, as taught by Perlman, since allows multiple different card technologies to be used.

In regard to Claim 25, Perlman shows that the agent contains the software drivers and is loaded by the agent (Figure 6, items 604-606).

In regard to Claim 26, Perlman shows that the device drivers are stored finally on the client, which is separate from the agent who provided them (Figure 6, item 607).

Response to Arguments

In response to the rejection mailed on December 30th, 2002, the applicant primarily argues and states that the Fowlow reference does not have any unique information to use in

obtaining access to an application, and that a class name is not the same as a unique identifying

attribute (see second page under remarks section). However, a class name is considered to be a

unique identifying attribute in this case is used by the client to query a naming service in order to

gain access to an application. Further, Fowlow does teach using a URL address as identification

in locating particular software (Column 2, lines 37-53). It can even be argued that this URL

address *is* the name of this class being referenced. Thus, argument is moot and not persuasive.

Conclusion

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542.

The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG
July 11, 2003

TUAN Q. DAM
PRIMARY EXAMINER